## DUANE SMITH 4/13/2009

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

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W. A. DREW EDMONDSON, in
his capacity as ATTORNEY
GENERAL OF THE STATE OF
OKLAHOMA and OKLAHOMA
SECRETARY OF THE ENVIRONMENT)
C. MILES TOLBERT, in his
capacity as the TRUSTEE FOR
NATURAL RESOURCES FOR THE
STATE OF OKLAHOMA,

Plaintiffs,

vs.

No. 05-CV-00329-GKF-PJC
TYSON FOODS, INC., et al.,

Defendants.
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VIDEOTAPED DEPOSITION OF DUANE SMITH,

before the undersigned Certified Shorthand Reporter, taken on behalf of Defendant Cal-Maine Foods, at 313 Northeast 21st Street, Oklahoma City, Oklahoma, commencing at 9:06 a.m., on April 13, 2009, pursuant to the stipulations of the parties.

DANA L. YOUNG, RPR, CSR #01168

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Exhibit 20

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- A. Maybe a point source.
- Q. All right.
- A. If it's the watershed from a nonpoint
- source, it could be Department of Ag. It could --
- <sup>5</sup> Conservation Commission would certainly play a role,
- <sup>6</sup> you know, if it's oil and gas. So that's such a
- <sup>7</sup> fact-driven piece.
- 8 What we do in the lakes is assess lakes. And
- <sup>9</sup> the one lake that comes to mind, Lake Wister, is one
- that we've done a lot of work on to try to help the
- Poteau Valley Improvement Authority to improve water
- instead of treating that.
- Q. All right. Can -- can you give me --
- A. And that mainly had been erosion on the --
- on the banks of that lake.
- Q. All right. And you may have just done it,
- but can you give me a fact-specific scenario in which
- the Water Resources Board would have exclusive
- responsibilities for BMPs on a specific lake?
- A. I wouldn't say that we have exclusive
- responsibility.
- Q. All right. How about primary?
- A. It's -- it's a shared responsibility --
- Q. All right.
- A. -- to improve water quality in the lake and